

**CITY OF CENTRAL, COLORADO  
ORDINANCE NO. 13-03**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE MUNICIPAL CODE  
REGARDING THE REGULATION OF MARIJUANA CULTIVATION FOR  
PERSONAL USE IN RESIDENTIAL STRUCTURES**

**WHEREAS**, the City of Central is a home rule city of the State of Colorado; and

**WHEREAS**, Colorado voters approved an amendment to the state Constitution, Article XVIII, Section 16 of the Colorado Constitution, that makes the personal possession, use and limited home-growing of small amounts of marijuana for adults twenty-one years of age or older legal under Colorado law; and

**WHEREAS**, the City Council previously adopted zoning regulations governing the cultivation, processing and growing of medical marijuana in residential and non-residential structures as set forth in Chapter 16 of the Municipal Code; and

**WHEREAS**, the City desires to adopt zoning regulations to apply to the cultivation and processing of marijuana plants by persons who are authorized to possess marijuana plants under Article XVIII, Section 16 of the Colorado Constitution; and

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,  
GILPIN COUNTY:**

Section 16-13, titled Definitions, of Chapter 16 of the Central City Municipal Code is hereby amended to add a definition of “marijuana” to read as follows:

*Marijuana* means all parts of the plant of the genus *cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” does not include industrial hemp, nor does it include fiber produced from its stalks, oil or cake made from the seeds of the plant, or the sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**Section 1.** Section 16-37, newly added to Chapter 16 through Ordinance No. 12-16, is hereby amended to read as follows:

Sec. 16-37 Growing of marijuana in residential dwelling units.

The requirements in this section shall apply to the growing of marijuana, including medical marijuana, in residential dwelling units by primary caregivers, patients, and by any person who is twenty-one years of age or older who is authorized under Article XVIII, Section 16 (3)(a) to grow or cultivate marijuana plants:

1. All cultivation, processing and production of marijuana plants shall be conducted entirely within a dwelling unit. For purposes of this provision, dwelling unit shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive

- use of a single family for living, cooking and sanitary purposes, located in a single family, two-family or multi-family dwelling or mixed use building.
2. No cultivation, processing or production of marijuana may occur in an accessory structure; garage, whether attached or detached; shed; greenhouse; storage unit; or other structure other than a dwelling unit.
  3. Possession of marijuana by patients, caregivers and persons authorized to possess marijuana pursuant to Article XVIII of the Colorado Constitution shall comply with all applicable City and state regulations, ordinances and laws, including home occupation requirements set forth in this Chapter.
  4. No cultivation, possession or dispensing of marijuana shall occur in the common areas of a multi-family or attached residential building.
  5. No more than twelve (12) marijuana plants regardless of size or stage of growth may be cultivated or kept within any single dwelling unit.
  6. In no event shall a patient or primary caregiver keep, cultivate, grow or process more medical marijuana than such person is entitled to possess under Article XVIII, Section 14 of the Colorado Constitution.
  7. In no event shall a person twenty-one years of age or older that is cultivating marijuana plants for his or her own use possess, grow, process or transport more than six (6) marijuana plants, with three (3) or fewer being mature. Possession of marijuana shall be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution and all state laws and regulations promulgated pursuant thereto.
  8. Possession, growing and processing of marijuana shall meet the requirements of all adopted City building and life/safety codes.

**Section 2.**     **Repealer.** Existing ordinances, parts of ordinances, or resolutions which are inconsistent or conflict with the provisions of this Ordinance are hereby repealed.

**Section 3.**     **Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 4.**     **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 5.** **Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the 15<sup>th</sup> day of January, 2013, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

Approved as to form:

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Marcus McAskin, City Attorney

ATTEST:

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Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the 19<sup>th</sup> day of February, 2013.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on January 17, 2013.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on February 21, 2013.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

**ATTEST:**

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Reba Bechtel, City Clerk